

Message Text

CONFIDENTIAL

PAGE 01 STATE 071509
ORIGIN DLOS-09

INFO OCT-01 EUR-12 EA-07 IO-13 ISO-00 ACDA-07 AGRE-00
AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 COME-00
DODE-00 DOTE-00 EB-08 EPA-01 ERDA-05 FMC-01
TRSE-00 H-01 INR-07 INT-05 JUSE-00 L-03 NSAE-00
NSC-05 NSF-01 OES-06 OMB-01 PA-01 PM-04 PRS-01
SP-02 SS-15 FEA-01 NSCE-00 SSO-00 USIE-00 INRE-00
/124 R

DRAFTED BY D/LOS:RCBLUMBERG:LB
APPROVED BY D/LOS - F. S. M. HODSOLL
L/OES - TLEITZELL
DOD - MGOODWEATHER
OES/OFA - GERRY DALTON
EPA - ROBERT MACMANUS

-----312132Z 107675 /75-61

O R 312044Z MAR 77
FM SECSTATE WASHDC
TO AMEMBASSY JAKARTA IMMEDIATE
INFO USMISSION USUN NEW YORK
AMEMBASSY LONDON

CONFIDENTIAL STATE 071509

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: CONSULTATIONS WITH UK ON VESSEL POLLUTION

AKARTA FOR LOS DEL

1. U.S. AND UK TEAMS HELD TWO DAYS OF DISCUSSIONS IN
LONDON ON ISSUE OF COASTAL STATE STANDARD-SETTING IN
TERRITORIAL SEA AND RESTRICTIONS IN ARTICLE 20 (2)
OF PART II OF THE RSNT.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 071509

2. U.S. OPENED DISCUSSION WITH EXPLANATION OF PRESIDENT'S
DOMESTIC OIL SPILLS PACKAGE AND UK REVIEWED PROGRESS OF
VARIOUS INTERNATIONAL CONVENTIONS AND ACTIONS. U.S.
SUGGESTED SEPARATE CONSIDERATION OF EACH ISSUE ON DESIGN,
CONSTRUCTION, EQUIPMENT, MANNING, DISCHARGE, AND OTHER
MATTERS. U.S. SUGGESTED SEVERAL QUESTIONS FOR DISCUSSION

OF EACH POINT:

(A) WERE INTERNATIONAL REGULATIONS ENOUGH?

(B) COULD COASTAL STATE ESTABLISH REGULATIONS FOR
PROBLEMS WHICH INTERNATIONAL REGULATIONS DID NOT DEAL WITH?

(C) COULD COASTAL STATE IMPLEMENT INTERNATIONAL REGU-
LATIONS OR IMCO RECOMMENDATIONS IMMEDIATELY UPON ADOPTION
WITHOUT AWAITING RATIFICATIONS AND ENTRY INTO FORCE?

(D) COULD COASTAL STATE ESTABLISH REGULATIONS MORE
STRINGENT THAN INTERNATIONAL REGULATIONS, PERHAPS LIMITING
ACTION TO PRESCRIBING TECHNICAL SPECIFICATIONS RATHER THAN
SPECIFIC EQUIPMENT?

3. UK PROFESSED FLEXIBILITY BUT SHOWED NONE AND IN
FACT HARDENED ITS POSITION. ON DISCHARGES, UK RETREATED
FROM ITS PAPER PRODUCED AT DECEMBER GROUP OF FIVE MEETING.
WHILE ACCEPTING COASTAL STATE RIGHT TO REGULATE DISCHARGES,
THEY SAID RIGHT HAD TO BE LIMITED SO AS NOT TO AFFECT
DESIGN, CONSTRUCTION, MANNING OR EQUIPMENT. THEY ADMITTED
THAT, IN PRACTICE, THIS WOULD LIMIT OIL DISCHARGE REGULATIONS
TO EXISTING INTERNATIONAL REGULATIONS. UNDER PRESSURE,
THEY SAID THEIR EARLIER PAPER WAS STILL IN THE TABLE BUT
WITH A NEW INTERPRETATION.

4. ON LANGUAGE RESTRICTING COASTAL ACTIONS ON OTHER
MATTERS REGULATED BY GENERALLY ACCEPTED INTERNATIONAL
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 071509

STANDARDS, UK STATED THAT THIS INCLUDED QUESTIONS OF CIVIL
LIABILITY FOR POLLUTION DAMAGE. WHEN U.S. EXPLAINED THAT
PROPOSED NEW U.S. DOMESTIC LEGISLATION ON LIABILITY
COVERED OIL DAMAGE IN U.S. TERRITORIAL SEA AND DAMAGE TO
U.S. FISHERIES RESOURCES BEYOND, UK RESPONDED THAT THIS WOULD
BE PRE-EMPTED BY ARTICLE 20 TEXT.

5. ON DESIGN, CONSTRUCTION, MANNING AND EQUIPMENT, UK
ANSWERED QUESTIONS (B), (C), AND (D) ABOVE IN NEGATIVE
FOR EACH. IN SPITE OF STATEMENTS THAT IT HAD FLEXIBILITY,
UK REJECTED ALL U.S. PROPOSALS AND MADE IT CLEAR THAT IT
WOULD ONLY CONSIDER PROPOSALS WHICH REQUIRED INTERNATIONAL
COMMUNITY ACCEPTANCE OR BILATERAL ACQUIESCENCE. UK RE-
JECTED ANY PROPOSAL FOR ANY COASTAL STATE FLEXIBILITY.

6. U.S. DRAFTED AND GAVE UK DRAFT ARTICLE ATTEMPTING TO
MEET UK CONCERNs. U.S. REQUESTED SIMILAR DRAFTING FROM
UK. UK RESPONDED THAT IT HAD TRIED BUT WAS UNABLE TO
PRODUCE A DRAFT.

7. COMMENT. U.S. TEAM SOMEWHAT PERPLEXED AS TO WHY UK INVITED TEAM TO LONDON FOR DISCUSSIONS BUT WAS THEN UNWILLING TO SHOW ANY FLEXIBILITY. UK SIDE WAS ENTIRELY COMPOSED OF REPRESENTATIVES FROM SHIPPING OFFICES IN DEPT OF TRADE WHO HAVE ALWAYS BEEN DIFFICULT ON THIS ISSUE. GUINNESS OF FCO INDICATED DURING PRIVATE LUNCH THAT UK HAD CONSIDERABLE FLEXIBILITY ON EQUIPMENT. IT IS POSSIBLE THAT FLEXIBILITY EXISTS BUT THAT SHIPPING PEOPLE CANNOT BRING THEMSELVES TO USE IT.

8. DURING PRIVATE LUNCH, GUINNESS RAISED THREE OTHER POINTS OF INTEREST. FIRST, HE SAID UK HAD URGED BRENNAN OF AUSTRALIA TO CONTINUE EFFORTS TO FIND SCIENTIFIC RESEARCH COMPROMISE. SECOND, HE INDICATED STRONG UK CONCERN WITH U.S. COMMENTS IN OECD ON COASTAL STATE TRUSTEESHIP ZONE AND REVENUE SHARING BEGINNING AT 200

CONFIDENTIAL

CONFIDENTIAL

PAGE 04 STATE 071509

METERS. HE SAID UK WOULD DELIVER HIGH-LEVEL DEMARCHE ON POINT. FINALLY, HE EXPRESSED UNHAPPINESS THAT U.S. WAS MOVING UNILATERALLY ON OIL POLLUTION LIABILITY AND COMPENSATION WHILE UK WAS URGING MALAYSIA TO ACCEPT INTERNATIONAL SYSTEM ON THIS FOR STRAITS OF MALACCA.

CHRISTOPHER

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptoning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, POLLUTION, DIPLOMATIC DISCUSSIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 31-Mar-1977 12:00:00 am
Decapton Date: 01-Jan-1960 12:00:00 am
Decapton Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE071509
Document Source: CORE
Document Unique ID: 00
Drafter: RCBLUMBERG:LB
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770111-0459
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t1977031/aaaaaasm.tel
Line Count: 145
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: a18b07ac-c288-dd11-92da-001cc4696bcc
Office: ORIGIN DLOS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 10-Feb-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2932718
Secure: OPEN
Status: NATIVE
Subject: LOS: CONSULTATIONS WITH UK ON VESSEL POLLUTION AKARTA FOR LOS DEL - --
TAGS: PLOS, SENV, US, UK
To: JAKARTA
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/a18b07ac-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009